

REMARKS/ARGUMENTS

Favorable consideration of this application is respectfully requested.

Claims 1-4 are presented for examination. Claims 5 and 6 have been canceled without prejudice or disclaimer. Claims 3 and 4 and the specification have been amended to correct the misspelled term “determinating” to read --determining-- throughout. Support for these amendments is believed to be clear from the correct spelling of --determining-- so that it is further clear that no new matter has been introduced by these amendments or the further grammatical corrections made as to the specification.

The outstanding Official Action presented a rejection of Claims 5 and 6 under 35 U.S.C. §101.

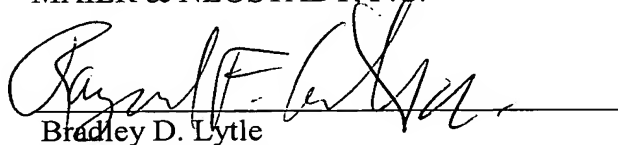
Initially, Applicants gratefully acknowledge the allowance of Claims 1-4. Applicants respectfully submit that the amendments to Claims 3 and 4 to correct the misspelled term “determinating” to read --determining-- is a formal correction that involves no consideration on the merits such that Claims 3 and 4 should still be considered allowable.

Turning to the outstanding rejection of Claims 5 and 6 under 35 U.S.C. §101, it is respectfully submitted that the cancellation without prejudice or disclaimer of Claims 5 and 6 should be considered to render this rejection moot.

Accordingly, as Claims 5 and 6 have been canceled without prejudice or disclaimer and Claims 3 and 4 have only been amended to correct the above-noted formal misspelling error, it is respectfully submitted that no further issues remain outstanding in the present application, and that this application is, thus, clearly in condition for formal allowance and an early and favorable action to that effect is, therefore, respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

A handwritten signature in dark ink, appearing to read "Bradley D. Lytle", is written over a horizontal line.

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